



Volume 21 No. 5

Foggy Bottom News

Published for and by the Citizens of Foggy Bottom

February 1977

Landmark Status for Red Lion Row

The Joint Committee on Landmarks of the National Capital declared the 2000 Block of I St. N.W., "Red Lion Row," a category II landmark and placed it on the District of Columbia's Inventory of Historic Sites. The buildings given landmark status run from 1832—20th St. N.W. (Bassin's G.W. Inn), along the 2000 block of I St., to 1825—21st St. (next to Bon Appetit). Only 2020 I St., the Howard Foley Company building which was built in the 1950's was not included. 2030 I street had previously been designated a category III landmark. The Joint Committee also recommended that these buildings be nominated for listing on the National Register of Historic Places.

The original landmark application was prepared by the citizens' preservation group Don't Tear It Down. Subsequent attempts by the Foley Company to demolish 2022 I St. and 2030 I St. led to a series of hearings before the Joint Committee earlier this fall at which the Foggy Bottom and West End ANC, the Committee for the Campus, and numerous residents of the F.B. area testified in opposition to the demolition.

After demolition actually began on 2022 I St., Don't Tear It Down applied for a preliminary injunction against further demolition. Ward II Councilman John Wilson and the Committee for the Campus joined them in this suit. Judge Donald Smith of D.C. Superior Court granted a temporary restraining order Oct. 4. On Oct. 6, Judge Fauntleroy granted the motion for a preliminary injunction on the condition that Don't Tear It Down post a \$5000 bond (in addition to a \$500 bond previously posted) by Oct. 12. Thanks to a massive fundraising effort over the weekend, over \$800 of which was collected through the efforts of the Committee for the Campus from students and residents of the immediate area, the bond was raised.

The preliminary injunction prohibited the Foley Company from taking any further steps to demolish the building until the Joint Committee had acted on the landmark designation.

As for 2030 I St., the Joint Committee recommended to the D.C. Historic Preservation Officer (Lorenzo Jacobs, Director of the D.C. Department of Housing and Community Development) that he invoke the 180 day

delay in demolition procedures of the D.C. Building Code. No action has yet been taken on this request. Now that the rest of the block has been given landmark status, these same delay procedures will apply to them too.

The Foley Company owns 2020, 2022, 2024, 2026, and 2030 I St. Most of the other buildings in the block are owned by G.W. University except for the last 2 buildings in the row which are privately owned.

This block faces a small triangular park which was recently landscaped by the National Park Service in conjunction with a similar park on the opposite side of Pennsylvania Avenue. Both parks had been torn up for Metro construction in 1972. The Arts Club of Washington, which occupies 2017 I St., the Caldwell-Monroe House where President Monroe lived while the White House was rebuilt after the British burned it, has designated the park on the north side of Pennsylvania Avenue as "Monroe Park." They have been working with the Park Service on the landscaping and have proposed that both parks be designated "Monroe Square," provided the 2000 block of I Street is preserved in its 19th century state.

In November, the Foggy Bottom and West End ANC requested that the D.C. Zoning Commission consider amending the CR (mixed use—commercial-residential) District zoning regulations to increase the maximum allowable parking for residential buildings. Currently multiple dwellings (apartment houses) are limited to 1 space for every three dwelling units. Cooperatives and condominiums are limited to 2 spaces for every 3 dwellings units.

Given the extremely limited on-street parking in this area, the ANC felt that it would be desirable to allow at least 1 space for every unit so that new residents would have a place to leave their cars and not be forced to compete with existing residents for on-street spaces. The ANC felt the availability of adequate parking is particularly important in cooperative and condominium buildings since the people who would be likely to be able to afford to buy those kinds of units in this area would most likely have cars. The neighborhood would benefit if they had a place within their buildings to leave

them during the day and not be forced to drive to work because of lack of an all-day parking place.

No buildings have yet been built under the CR zoning which covers much of the "West End" (north of K St.). An increase in the parking maximums would not require that this number of spaces be built, but it would allow developers the option of building up to that amount if they wished. The first new residential building proposed for this zone is the condominium the Oliver T. Carr Company is going to build at the corner of 26th and Pennsylvania Avenue N.W. (on half of the old Sealtest Dairy site).

However, because of opposition from the Municipal Planning Office (MPO), the Zoning Commission voted to table further discussion of this proposal at their meeting in early January. The MPO developed the CR zoning regulations and severely limited the amount of parking which could be provided so that automobile use would be discouraged in this area. However, for the reasons already mentioned, the ANC feels that this laudable goal will not be furthered by limiting residential parking as opposed to commercial parking. If anyone has any views on this proposal, please address them to the D.C. Zoning Commission, District Building, Room 9A, 1350 E St. N.W., Washington, D.C. 20004 (or call 629-4426). This is case No. 76-25.

University Zoning

The Municipal Planning Office, various community groups and the Consortium of Universities are currently discussing a proposed new article to the zoning code which would govern schools of higher education in the district. These schools are currently governed by several sections of the law, by "Campus plans," and various customs and charters, and the new article is intended to clarify the situation. The article is in draft number 4.

Kirk White, of the MPO, envisions hearings before the Zoning Commission in June on this matter. The Foggy Bottom and West End area is, of course, one of the areas to the District most seriously concerned. Several discussions will be held in the community before the final hearing, probably in late April or May.

NEXT MEETING:

MONDAY, FEBRUARY 28

The Zone Defense (or how to survive with an elephant next door)

8 PM

St. Paul's Parish House
2430 'K' Street, NW

Parking Update

Any court action on the pending Residential Neighborhood Parking Program is at least as far away as March or April. At least two judges have disqualified themselves for possible conflict of interest—they live in affected areas. As the second anniversary of the start of the petition campaign approaches it appears we are just going to have to wait.

Councilman John Wilson has written the Mayor requesting implementation in the Foggy Bottom area because it is not directly affected by the injunction against the program in the Georgetown area, but the legal advice to the Mayor has been to wait. It seems a safe course.

More Parking

The Department of Transportation has changed the parking restrictions on the North "K" Street Service Roadway between 24th and 25th Streets from "No Parking Anytime" to "No Parking 7 AM to 6:30 PM (Monday—Friday)". Also, Saturday parking is now permitted on the South "K" Street Service Roadway between 24th and 25th Streets.

Here's Mud in Your Eye

The Transportation Committee of the City Council will hold public hearings on the proposed closing of Eye Street between 23rd and 24th Streets. The hearings are scheduled for St. Paul's, at 7:30 PM, on March 22, 1977. Since that is a month and a half from the deadline of this paper, call the Transportation Committee at 724-8077 for confirmation in March. The Reverend Jerry Moore is the Chair of the Committee.

(In the last issue of the Foggy Bottom News several of the people who testified at the previous Eye Street hearing were omitted. They were Ann Loikow of the ANC, Cindy Witman and Steve Sorkin of the Committee for the Campus, and Maria Tyler of 25th Street.)

Tennis Anyone?

When the \$100.00. VOLVO Classic opens at the SMITH CENTER at GEORGE WASHINGTON UNIVERSITY, MARCH 14-20, Washington area tennis fans will have their first opportunity to see the 1976 Wimbledon and WCT champion, Bjorn Borg. Ranked number two in the world, Borg defeated the world's number one player, Jimmy Connors, in the Pepsi Cola Grand Slam in Florida last month.

Thirty two international tennis stars will compete in the Volvo Classic. The 1977 Australian Open Champion, Roscoe Tanner, defending Grand Prix Champion, Raul Ramirez, Brian Gottfried, Stan Smith, Marty Riessen have all entered the tournament. Arthur Ashe, previously scheduled to play, had to withdraw because of surgery for a foot injury.

For tennis enthusiasts who like doubles, this will be the tournament to see. The world's three top doubles teams will compete in the Volvo Classic. Ramirez-Gottfried, McNair-Stewart, and Riessen-Okker all have impressive doubles victories to their credits.

The tournament will benefit the Washington Area Tennis Patrons Foundation, and will be sponsored by the Washington Coca Cola Bottling Co. and the Regency Racquet Club of McLean, Virginia.

The Smith Center has already proved to be the ideal place for tennis viewing. Capacity crowds attended the 1976 Volvo Classic and the recent Virginia Slims Tournament at the Smith Center.

Tickets are now on sale at local tennis shops, sporting good stores, and Ticketron. Telephone 785-5626 for ticket information.



REVELANT



Letters to the Editor

Open letter to Foggy Bottom Association
members & friends:

#304, 1010 - 25th St. N.W.
Washington, D.C. 20037
January 28, 1977

Foggy Bottom News
c/o Anne Lomas

Dear Editor:

I would like to explain why many of those living north of K Street were upset by Mary Healy's front page article in a recent edition of the Foggy Bottom News praising the Guest Quarters on New Hampshire Avenue.

Another Guest Quarters will soon be constructed at the corner of 25th and Pennsylvania Avenue displacing the townhouses which once housed John's Shoe Repair, the Diplomat Cleaners, the Nite-Hawk Key Shop, the barber shop, and the homes of several residents of our area. The destruction of these buildings and the removal of these shops was made economically desirable to the owners of the property on this corner because of a small alley closing behind them which was approved by the City Council last July.

Despite the protest of the ANC, our Councilman John Wilson, F.B.A.'s own President Bob Charles, and numerous other residents of the area, Council Chairman Sterling Tucker and Transportation and Environmental Affairs Chairman Councilman Jerry Moore pushed this closing through the Committee and the Council with a swiftness the city has not seen before or since. 134 residents of the Foggy Bottom and West End area signed a petition to Chairman Tucker and Councilman Moore protesting the cavalier manner in which they handled this closing. Neither has yet made any reply to the petition.

The alley closed, which was less than 10' in width so no public hearing was required under the D.C. Code, made possible the transfer of development rights—i.e., FAR (see zoning insert in this edition of F.B. News) which made it possible for the owners to build a much bigger and bulkier building than they otherwise could under the existing zoning for these lots. A 10 story, 90 foot high, 129 unit Guest Quarters is planned for this site.

Although the New Hampshire Avenue Guest Quarters may be a good neighbor to that part of the Bottom, the residents of this immediate area are very much opposed to the development of another Guest Quarters in this area. Foggy Bottom and West End are already saturated with long-term transient quarters—the N.H. Avenue Guest Quarters, the Intrigue Hotel, One Washington Circle, the Metropolitan Hotel, and sections of both Columbia Plaza and the Watergate Hotel. In addition, several new hotels are planned for the area at 28th and M St., just across the bridge in Georgetown, and at 22d and N St., next to Blackie's.

My neighbors feel that the area needs more permanent, tax-paying residents, not more transients. We are fighting to retain our identity as a residential community despite the concerted efforts of George Washington University on the east and other developers on the north to turn residentially zoned and used property into commercial sites. In addition, many residents of the area enjoy the visual charm and human scale of the townhouses in the neighborhood and will keenly feel the loss of one of the few fairly intact rows of townhouses in this part of town, which will only be replaced by mediocre "motel modern" architecture.

Since many of the F.B.A.'s officers and members were among the most helpful in our unsuccessful fight against this alley closing and the development it is bringing, people in this area could not understand how the F.B. News could print such a glowing article about Guest Quarters without even mentioning the major battle going on up here against the second Guest Quarters in this area. I hope this letter adequately explains what had so many people upset.

Sincerely,
Ann Hume Loikow
ANC Commissioner, SMD 01

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Ms. Anne Lomas
Editor
Foggy Bottom News
c/o The Westend Library
24th and L Sts.
Washington, D.C. 20037

Dear Ms. Lomas:

On two previous occasions, The Plaza has been cited in the Foggy Bottom News for conditions of the grounds around the building. On one occasion, you commended The Plaza for putting in a new lawn on the south end of the building, bordering on 25th and New Hampshire Avenue. On the second occasion, you reprimanded The Plaza for allowing the grounds in the rear of the building along the freeway to become overgrown with weeds.

The Plaza would now like your cooperation in asking our neighbors to help us in maintaining our grounds, especially as spring approaches.

The effects of dogs being walked on the lawn area on the south end of The Plaza immediately adjacent to the building were already beginning to show before the snows came. We are concerned that when spring arrives, there will be large areas of the lawn burned out from the residue of dogs, as well as dead shrubbery all along the front of, and on the side of The Plaza. We cannot replace those shrubs and lawn every summer, therefore we ask the cooperation of the neighbors in keeping their pets off the lawn area.

Residents of The Plaza have been asked to refrain from walking their dogs on that lawn area immediately adjacent to our building and we are asking the neighbors to do likewise. We feel fortunate living a neighborhood where there are so many parks and open areas along the freeway where dogs can be walked without damage to anyone's property. Unfortunately, many of our neighbors prefer to walk their dogs on our side lawn because of its convenience.

May we please have the cooperation of our neighbors in this effort. Thank you.

Sincerely
Terry Spragens
President, Board of Directors
The Plaza

PATRONIZE
OUR ADVERTISERS



ANC Business Meeting

March 8 8 PM
St. Stephens Church
25th & Penn. Ave.

Are YOU a Member?

The Foggy Bottom Association is a non-profit citizens' association serving the Foggy Bottom area. Please fill out and mail the membership card below with your check for \$3.00 to:

JANET AXTELL, Treasurer
2700 Virginia Avenue, NW 20037

Mr.
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Museum Listing— Octagon

The Octagon: 1799 New York Ave., N.W., Washington, D.C. 20006. Hours: Tuesday through Friday 10 a.m. to 4 p.m.; Saturday and Sunday 1 p.m. to 4 p.m. "Maine Forms of American Architecture" through March 10, 1977. Survey of the architectural heritage of the state of Maine including photographs, paintings, textiles, architectural drawings and models.

March 24 through May 29.

The Octagon: 1799 New York Ave., N.W., Washington, D.C. 20006. Hours: Tuesday through Friday 10 a.m. to 4 p.m.; Saturday and Sunday 1 p.m. to 4 p.m. "The Tallgrass Prairie: An American Landscape"

An historic and environmental study of the people, events and natural phenomena of America's "Inland Sea."

Foggy Bottom News

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THE ZONING GAME

A Citizen's Guide To Zoning

Ward Bucher, Author

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and Toni Lee, Editors for
Foggy Bottom News Adaptation

Published courtesy of the North
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The Zoning Game is one of the more popular sports played in our city. It's participants are all the people that make the District run—politicians, developers, planners, citizens. And, while possessing its own special rules and language, the game can be played with infinite variations of teams, numbers of players, strategies, and sizes of field. But every time the game is played, the goal is clear—change the zoning.

The Lineup

Here's a brief lineup of the teams and their strategies:

The MORE team—always chosen by the big developers—has a really strong bench with realtors, bankers, and the best lawyers and witnesses which money can buy. They want MORE density and MORE height so they can rent MORE space and make MORE money.

The LESS team—usually chosen by the residents trying to protect their neighborhood from real or imagined destruction. They want LESS zoning density and LESS building height so that the MORE team will be LESS likely to build something which will change their neighborhood.

The GOVERNMENT plays on both the MORE and LESS teams and is also the referee. This schizophrenia seems to confuse them as well as other players. They want MORE development to increase the tax base, LESS development to preserve residential neighborhoods, and act as referee through the court system, Zoning Commission, and the bureaucracy. Often different departments and/or agencies within the government are on different teams at the same time.

First Game

Any team can start the play by applying to the Zoning Commission for a zoning change. Here's a typical set of plays by the MORE team:

1. Give the Mayor a thousand dollar campaign contribution.
2. Invite the Mayor and his planning staff to a rooftop cocktail party.
3. Tell the Mayor how important more new development is to the economic vitality of the District of Columbia.
4. Have all your banker friends repeat this message 100 times.
5. Buy a piece of residential property on the fringe of downtown.
6. Knock down all the existing townhouses.
7. Apply to the Zoning Commission for MORE (pick one or any combination)
 - (a) height
 - (b) density
 - (c) parking
 - (d) commercial use
8. Ask the City Council to close a street or alley in the block you want to develop. This has the added advantage of giving the MORE team public property free unless, of course, it is an "original L'Enfant alley" in which case Uncle Sam, not D.C., collects from the MORE team.

Of course, the LESS team doesn't know what's going on until the wrecking crane attacks the townhouses (Step 6). They immediately move into action by calling each other up and shouting "HELP! What

can we do?" Usually the answer is that nothing can be done except to stand in front of the bulldozers. This tactic is great for publicity and a free tour of the local precinct station. But it doesn't buy much time (about three hours) and the buildings come down anyway.

Timeout

Let's call a timeout to explain a few rules of the Zoning Game. Sorry, you never get to know all the rules because they keep changing, but here are five important ones:

1. **NOTHING IS PERMANENT.** That includes buildings, streets, people, and laws. Well, the Washington Monument is fairly permanent, but everything else is up for grabs. In particular, zoning in our city has been changing constantly since it was first enacted back in 1920.
2. **COMMERCIAL USES MAKE MORE MONEY THAN RESIDENTIAL USES.** Developers can make more profit renting an office building than an apartment house (even though the office building costs more). This is one of the basic motivating forces in zoning changes requested by the MORE team. Relatively cheap residential land which is rezoned for commercial use can easily double and triple in value.
3. **ZONING CAN'T MAKE THE LANDOWNER BUILD ANYTHING.** Just because the zoning map shows an area as a highrise office district doesn't mean that there are, or will be, any highrises built. The zoning regulations only spell out the maximum development allowed. If the owner wants to keep his land vacant or run a parking lot instead of a building, he has every right to do so. Downtown Washington is a good example of this. It has the highest zoning in the city and virtually no new construction in the last ten years. So beware of folks who claim that higher zoning will instantly redevelop a stagnant part of the city.
4. **PEOPLE WILL PAY FOR FANTASIES.** In particular, the fantasy that they are living or working in a "good," "safe," or "prestige" neighborhood. Rents and land prices are higher in certain areas of the city for reasons that have nothing to do with the quality or location of the area. For example, until the New Dealers started moving into Georgetown in the 1930's instead of the ritzy 16th Street area, it was a rundown working-class community. Now the upper-middle-class people who can't afford Georgetown are moving into the working class neighborhoods around 16th Street in response to a new fantasy. The buildings, roads, location, and transportation of these neighborhoods have remained basically the same while the fantasies and people have changed. Developers try to anticipate and create these fantasies, so they can get the highest return on their investment.
5. **EACH ZONE HAS ITS OWN RULES.** At the moment, there are 24 different zoning categories in the District of Columbia. There are residential, commercial, industrial, and mixed-use categories. Each kind of

zoning category has a different set of rules regulating uses, building size and location, and parking. These rules include such things as how big your back yard has to be, whether you can sell ice, and how much noise a factory can make. The entire city is mapped with hundreds of areas called zoning districts or zones where one of the categories applies.

Time-in

Ready to start the game again. The LESS team can also make the first play in the Zoning Game. A recent LESS game started like this:

1. The Municipal Planning Office (MPO) or the National Capital Planning Commission (NCPC) or the Department of Housing and Community Development (DHCD) decides to do a neighborhood plan. Why there are at least three different agencies doing planning in one city and how they choose what areas to plan would have to be explained in another guide called "THE D.C. PLANNING GAME."
2. It is discovered that full development of the present zoning in the neighborhood would create a ten-mile traffic jam every day.
3. The Highway Department proposes a freeway to handle the increased traffic.
4. The residents go berserk and organize politically.
5. A "compromise" plan with no freeway and substantially reduced zoning is proposed to the Zoning Commission.
6. The landowners go berserk.

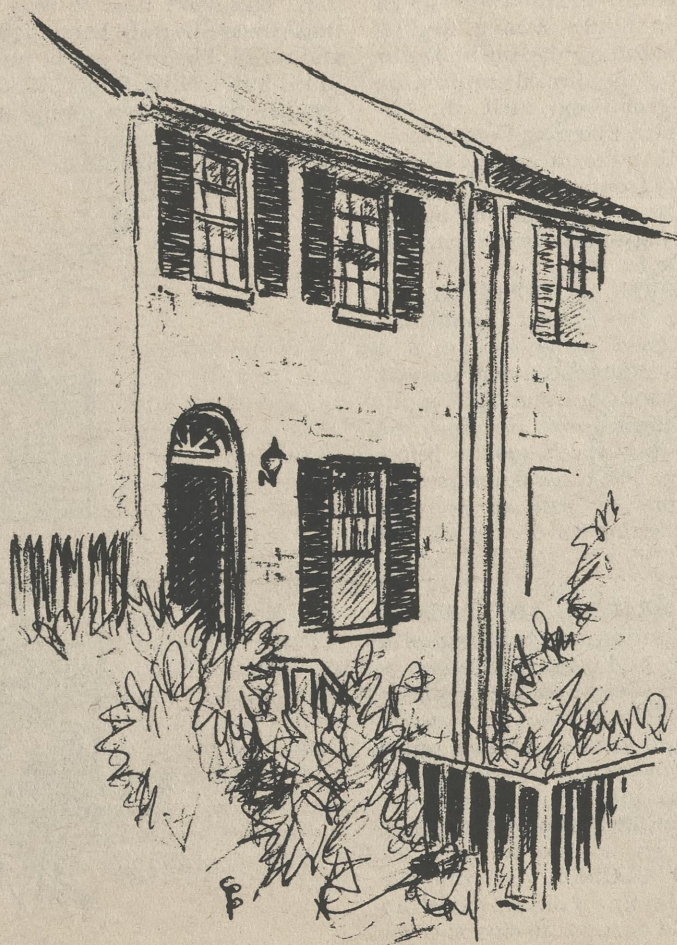
Of course, a government agency doesn't always end up on the LESS team. Often they are on the MORE BUT DIFFERENT team which increases density while changing uses as in the Georgetown Waterfront and the West End.

The Redevelopment Land Agency (RLA) has for years had its own special NOTHING team which bypasses zoning altogether. This urban renewal agency, now part of the Department of Housing and Community Development, buys property, tears down the houses, and creates NOTHING.

Another Game

Sometimes the MORE team masquerades as a University. In a zoning game now in progress in the Foggy Bottom West End area, the plays have been going like this:

1. George Washington University assembles several townhouses and vacant lots and demonstrates the well-used principle that the MORE team prefers to hold land as parking lots while assembling property.
2. A member of the LESS team makes a stink and refuses to sell her townhouse.
3. The World Bank makes a deal with G.W.U. to help them build their office building. Concordia Church joins G.W.U. in what looks like a profitable deal for them.
4. On the basis of manifest destiny bestowed by their "campus plan," G.W.U. petitions the Zoning Commission to rezone the block to high-density commercial.
5. The Committee for the Campus and Don't Tear It Down prod the Fine Arts Commission into entering a "Gentlemen's Agreement" with G.W.U. to save the townhouses along "G" Street row.
6. G.W.U. presents Alternate Plan A which promises to "save" the "G" Street houses by tearing them down and pasting their rebuilt facades back on the new World Bank Building.
7. The community, the ANC, the Committee for the Campus and Don't Tear It Down protest G.W.U.'s plans and the proposed demolition and removal of the historic F Street Club before the Joint Committee on Landmarks.
8. The community groups marshal their forces again before the NCPC. The NCPC sits on the fence and finds that the proposed development will not have a "negative impact" on the federal interest. Alternate Plan A is thrown out.



Pam Palco

9. The Fine Arts Commission revives Alternate Plan A hoping mixed use will enliven the entrance "park" to the building. Little attention is given to the MORE team's plans to move a truncated F Street Club and wedge it between several townhouses on 21st Street in a slot created by the destruction of another townhouse.
10. The Zoning Commission schedules a public hearing on the application.
11. The ANC informs the neighborhood of the upcoming zoning hearing. Letters from residents flood the Zoning Commission.
12. The next play in this zoning game takes place March 14 at the public hearing before the Zoning Commission. Anyone who wishes to testify should contact the ANC.

Remember the MORE team wins unless the LESS team gets its act together and challenges them. The more voices on the LESS team the greater the chance for its side to win.

Public and Secret Games

These three games have many plays which seemingly have no direct connection to zoning. There are really two games being played—the public game and the secret game.

The public game is played with the bureaucracy and the court system. It features hearings, memos, reports, court orders, and petitions. Usually, this is the only game officials will admit they are playing.

The secret game is dirty, unscrupulous, and altogether more interesting than the public one. This game features votes, donations, phone calls, and tradeoffs. The rules are unspoken, but commonly understood: "You won't get elected if you don't do what we want;" "I won't support your case if you don't support my campaign." Most often zoning decisions are made for political (secret) reasons and then rationalized through the public legal apparatus.

The preceding material is designed to give you a general idea of how the D.C. Zoning Game works. It is impossible to tell you everything because the rules and players keep changing. Each case is truly unique, but they do have a number of common elements. The following section contains a number of steps that citizens can take to win a game for their side.

The Public Game

1. **APPLICATION FOR AMENDMENT FILED.** An application for an amendment to the Zoning Regulations or the Zoning Map can be filed by the owner of the affected property, the Zoning Commission itself, the National Capital Planning Commission, or any D.C. or Federal agency. When a community group wants to change the zoning it must convince some agency or the Zoning Commission to make the application for them.
2. **COMMISSION ACCEPTS APPLICATION.** The Zoning Commission can turn down an application if it thinks it is inappropriate without ever having a public hearing. If the application is rejected with prejudice, the applicant must wait 6 months before reapplying. The commission receives advice from its staff at its open monthly meeting and decides whether to put the case on its calendar for a public hearing.
3. **PUBLIC HEARING ADVERTISED.** A zoning hearing must be advertised in newspapers and other publications at least 30 days before the hearing date.
4. **PUBLIC HEARING.** The government, the proponents, and the opponents of a change in the zoning map or regulations all get to voice their opinions at the hearing. The hearing may last a few hours or several days.
5. **RECORD CLOSED.** The case file which makes up the official record of a case is held open for 10 days after the conclusion of the hearing. Anyone

may make additional written comments during this time.

6. **THE COMMISSION DECIDES THE CASE.** After the hearing has been held and the record closed, the Zoning Commission meets to decide the case. They thrash out the pros and cons of the case and vote on the zoning change. When everyone pretty much agrees to start with, as in the recent limiting of massage parlors, the decision doesn't take long. When a complex zoning proposal for a whole neighborhood is considered the process can take months. This long period of time is necessary in order to decide involved technical issues and to make the political tradeoffs of the "secret game."
7. **THE ORDER IS WRITTEN.** The Zoning Commission's decision is not announced until an official order has been written. This order must include findings of fact, conclusions of law, and the decision itself.
8. **THE DECISION IS ANNOUNCED.**
9. **THE DECISION IS PUBLISHED IN NEWSPAPERS AND THE D.C. REGISTER.**
10. **THE LOSERS GO TO COURT.** In most of the recent cases decided by the Zoning Commission the losing team has appealed the case to the D.C. Court of Appeals. If the court finds that the hearing was conducted incorrectly it can tell the Commission to go through the hearing process all over again.

HELP!

This is a brief outline of how to react to a play by the MORE (or LESS) team. It needn't be followed exactly, but it will get you started.

1. GET A COPY OF THE PUBLIC RULES.

Most of the public rules are contained in the "Zoning Regulations" and the "Administrative Procedures Act." These are the official rules which tell you what the zoning is and how the zoning process is supposed to be conducted. The zoning hearing is like a court of law in that the case may be won or lost on minor technicalities. You don't need to be a lawyer to understand this stuff, but do re-read it several times. The rules can be purchased at 614 H Street, N.W., Room 302. Cost of the regulations: \$4.00; new zoning atlas, \$2.50. You might call first to be sure they have copies available: 629-3957.

2. CHECK THE ZONING.

It is absolutely essential to know what the present zoning is on the land in question. There are zoning maps in the back of the Zoning Regulations, but the Zoning Atlas is more up-to-date. The only way to be absolutely sure of the present zoning is to check with the official maps kept by the Zoning Commission staff. This means trooping down to the Sixth floor of the Muncey Building at 1329 E Street, N.W. The zoning lines dividing the various Districts have been drawn in a four-volume set of Baist Atlases. Each page of these monster books has a map of a small section of the city. The map will show all of the streets and property lines, and most important, the current zoning.

3. READ THE CASE FILE.

Every application for a zoning change is placed in a file at the Zoning Commission. This application states exactly what is being asked for and also contains all communications to the Commission regarding that case. The files are located in Room 11 of the District Building, 14th and E Streets, N.W. Make a list of what's in the file; then, recheck it before the hearing. (The file is not available the day before the hearing.)

4. FIND OUT WHO OWNS THE LAND.

The applicant for a zoning change must be the owner of the property. Applications are sometimes made by people renting a property or people who intend to purchase the property. Ownership can be checked out by contacting the Recorder of Deeds in Room 202, 515 D Street, N.W. Telephone: 347-0671, extension 12, between 2 and 4 p.m. Be sure and have the lot and square numbers for the property. Get the numbers from the Baist Atlas you looked in for the zoning in Step 2.

5. TALK TO THE APPLICANT.

The developer is usually willing to explain his project to you so that he can convince you that it's a good thing. Information can also be gotten from the owner of the property, the architect, and the lawyers for the project. Their names and addresses can all be found in the case file at the Zoning Commission.

6. GET TECHNICAL HELP.

Zoning cases often involve matters where the advice and testimony of experts can be a great help. Architects, lawyers, planners, and economists can all be useful. If at all possible, find these people inside your community. Community residents are much more willing to help and much less likely to charge for their services. Certain public-spirited Architecture and Law firms do Pro Bono Publica (In the Public Interest) work for free. Be gracious about asking for free work, since they do have to earn a living.

7. PLAN YOUR POLITICAL STRATEGY.

Zoning cases are decided by politics, not rational judgments. Design a strategy putting political pressure on the government to support your side. Scheme and plot exactly what your group is going to do and who is going to do it.

8. SELL YOUR POSITION.

You need to sell your position to the government planners, the Mayor, City Council Members, your Congressman, and other people in power positions. Make an appointment with these people or their aides, saying who will be in attendance and the general subject matter. It helps to have a one-page fact sheet which outlines the history of the case, the basic points supporting your side, and the outcome you want. Have in mind the particular action you wish that person to take—writing a letter, testifying at the hearing, contacting someone higher on the totem pole, etc.

9. GET BROAD-BASED COMMUNITY SUPPORT.

Get as many people on your team as possible. This means young and old, black and white, property owners and renters, businessmen, religious groups, and so on. Support can come from the most unlikely elements of your community, so don't hesitate to approach anyone. Much of the work will be educational: i.e., explaining what zoning is and how this particular change will affect (or not affect) a particular interest group.

10. MAKE A BIG STINK.

The politician's favorite way of dealing with an unpleasant problem is to ignore it and hope it goes away. Lots of publicity makes your problem impossible to ignore. Be creative and entertaining to get good media coverage. In planning an event or confrontation to dramatize your position, contact the reporters, but not too far in advance or they will forget. Your fact sheet from Step 8 is a handy thing to give the media so they'll get the story straight.

11. GET SET FOR THE HEARING.

The zoning hearing is the most important public event of the whole zoning game. It is the formal display of your political clout and technical expertise. A well-orchestrated performance will impress the Commission and all of the other players who are there to watch the show.

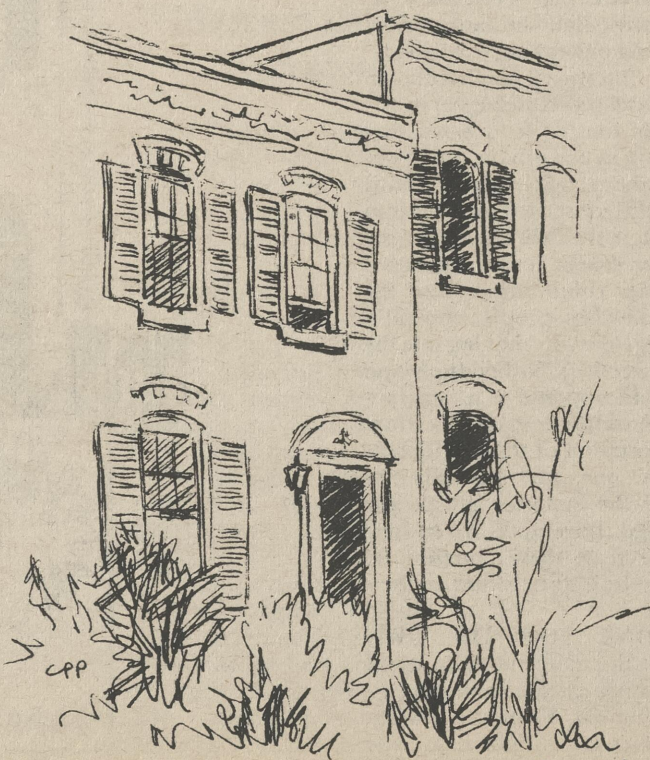
12. A. ORGANIZE TESTIMONY IN ADVANCE.

Be sure all the points will be covered and that each person knows what to say. Testimony covering legal and technical points should be written and submitted at the hearing. Other testimony should at least be outlined. Each person should speak for no more than ten minutes. Short statements that don't overlap are much better than endless repetitions of the same opinions. Since the hearings often go on all day for several days, arrange to telephone working people when their turn to testify is approaching. It also may help to have a dress rehearsal a few days before the hearings.

B. HAVE THE "BIG GUNS" TESTIFY FIRST.

The Zoning Commission tends to fall asleep after two or three hours of testimony due to information overload. Have the politically most important people testify before the Commissioners go into their catatonic trance. A typical arrangement of speakers in order of clout would go like this:

- a. Elected officials
- b. National organizations
- c. Regional organizations
- d. Community groups outside your neighborhood
- e. Neighborhood community groups
- f. Property owners within the area to be rezoned



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- g. Property owners in the surrounding area
- h. Renters
- i. Businesses in support
- j. Facts and figures (technical data proving your position)

Fill the hearing room with people supporting your position. Circulate a list to let the Zoning Commission know the community was there.

13. DON'T STOP AFTER THE HEARING.

If you relax and wait for the decision three months or a year later, you may have an unhappy surprise. Keep up the publicity efforts and the political pressure until you have a copy of the official order in your hand and you've read it in the D.C. Register.

14. DON'T CONTACT MEMBERS OF THE ZONING COMMISSION DIRECTLY.

When a party to a zoning case talks to a commissioner without going through formal channels it is called Ex Parte Communication. This is a definite No-No. The losing side can have the decision set aside if procedural irregularities can be proven. So don't call up the Commissioners or their staff and bend their ear about the case. It is O.K. to make inquiries about hearing dates and other procedural matters. It is also O.K. for people not involved in the case to talk to the Commissioners. So it doesn't hurt for a friend of a friend who knows somebody to let his feelings be known.

15. PUT IT IN WRITING.

Politicians and planners can have very selective memories. Document important conversations, meetings and requests. Send them a letter summarizing basic agreements or requests. Send a copy to at least two other officials so they can't say they never got it. For example, copies of a request for help from the Municipal Planning Office could be sent to the Mayor and the City Council member from your Ward.

16. DON'T BELIEVE ANYONE!

"Official sources" pass on the most outrageous rumors. Before you feed the grapevine, have someone check it out.

17. GOOD LUCK!

ADVISORY NEIGHBORHOOD COMMISSION (ANC): ANCs were authorized by the Home Rule Act to advise various agencies of the District government on proposed actions affecting the neighborhoods which they represent. Each ANC commissioner represents about 2000 residents and is elected for a two year term. ANCs must be informed by the District Government of actions it is proposing which affect the ANC area. The ANC has no power other than the power to recommend what the people in its area want. Among the things about which ANCs must receive notice are requests for zoning changes, variances, building permits, demolition permits, liquor licenses, etc. The ANCs are also actively involved in the local planning process. The Foggy Bottom and West End ANC (2A) represents the FBWE area. Its commissioners are:

Ann Hume Loikow (single member district (SMD) 01)
Marthlu Bledsoe (SMD 03)
Harold Davitt (SMD 04)
J.R. Black (SMD 05)
James Slicer (SMD 06)

The seat in SMD 07 is currently vacant. There is a contested election for the seat in SMD 02.

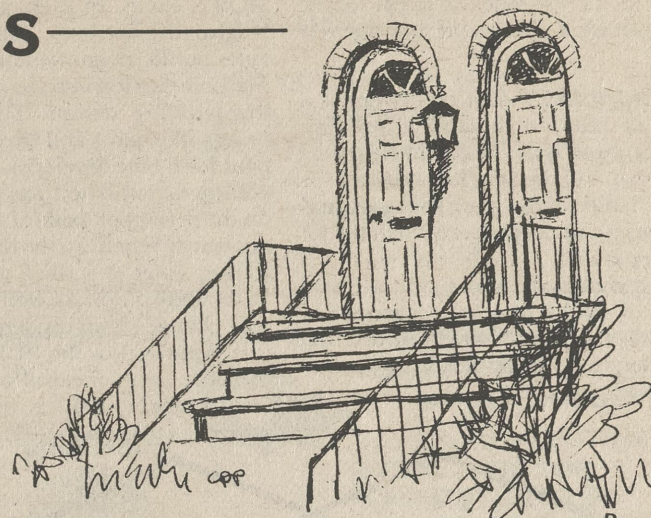
BOARD OF ZONING ADJUSTMENT (BZA): Appeals of administrative decisions and the granting of variance and special exceptions are handled by the Board of Zoning Adjustment. The Board must also approve the site plans for Planned Unit Developments. The variance power of the Board allows them to change any zoning regulation if they so choose. The Board has five members; three are appointed by the Mayor, one is the representative of the National Capital Planning Commission (NCPC), and the other is a member of the Zoning Commission or a designated representative. The present members of the Board of Zoning Adjustment are:

Leonard L. McCants, Chairperson
Lila Burt Cummings, Esquire
William MacKintosh, NCPC, Vice Chairman

CAMPUS PLAN (also known as MASTER PLAN): A long-term plan developed by a university as part of its presentation before the BZA when it makes an application for a SPECIAL EXCEPTION to the usual regulations governing residentially zoned (R), waterfront (W), or mixed use (CR) districts. Universities are permitted as a matter-of-right in commercial (C), special purpose (SP), manufacturing (C-M) and industrial districts (M). They must seek BZA approval to exist in the R, W, and CR zones. The meaning of campus plans and the regulations governing them are currently being revised in a new "Article 76" to the Zoning Regulations which is being developed by the MPO.

THE COMMISSION OF FINE ARTS: Under the Shipstead-Luce Act and the Old Georgetown Act, the Commission of Fine Arts must review applications for the erection or alteration of any building fronting or abutting upon the grounds of the Capitol, the White House, Pennsylvania Avenue between the Capitol and the White House, Rock Creek Park, the Zoological Park, Rock Creek Parkway, Potomac Park, the Mall Park System and public buildings adjacent to it, Lafayette Park, "old Georgetown," or any street bordering any of these grounds or parks. They may recommend changes in the plans necessary to avoid impairment of the architectural or historic merit or "public values" belonging to such parks or public buildings.

Definitions



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DOWNZONING: Downzoning is a zoning change which lessens the amount of development which is possible. A downzoning might involve a change in height (i.e. from 90 feet to 60 feet), a change in use (from commercial to residential), or a change in density (from F.A.R. 3.0 to F.A.R. 1.8).

F.A.R. (FLOOR AREA RATIO): Floor Area Ratio is basically a measure of the volume of a building. The floor area of a building is the total area of all floors including walls. The amount of a floor area allowed in a new building is determined by multiplying the area of the property (lot area) by the F.A.R. This total floor area can be distributed all on one floor or on many different floors.

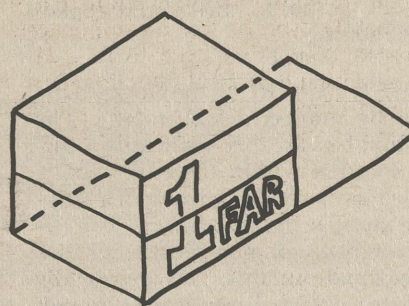
For example: if the lot size is 50 feet by 20 feet, the lot area is 1,000 square feet (50'x20') and the lot has an F.A.R. of 2.0, the floor area allowed would be 2,000 square feet. If the building were two stories tall, each floor would have 1,000 square feet of area. If it were four stories tall, each floor would have 500 square feet of area.

Each zone district has an F.A.R. assigned to it by the Zoning Regulations, ranging from .9 to 10 F.A.R. The higher the F.A.R., the bigger the building that can be built.

street on which it fronts plus 20 feet. If the building abuts on a residential street, the height is limited to the width of the street minus 10 feet. However, no building on a residential street may be over 90 feet. If the residential street is between 60 and 65 feet wide, the building may be 60 feet high. If the residential street is 60 feet wide or less, the building cannot be higher than the width of the street.

The height allowed in the zoning requirements can be translated into number of stories by dividing by the number of feet per story. Residential construction is usually nine or 10 feet per story and office construction is about 12 feet per story. For example, a 90-foot apartment building usually has ten stories.

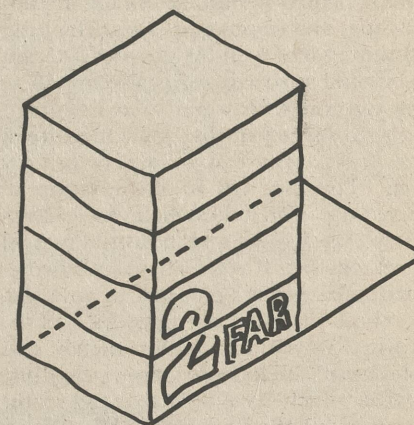
JOINT COMMITTEE ON LANDMARKS OF THE NATIONAL CAPITAL: The Joint Committee on Landmarks was established by the NCPC and the Commission of Fine Arts to be the "state" professional review committee for the National Register of Historic Places. It compiles and maintains the current inventory of significant landmarks in the District of Columbia, nominates landmarks in the District for placement on the National Register, advises NCPC and the Fine Arts Commission on projects which may affect landmarks, advises the District Historic Preservation Officer, and recommends the preservation of designated landmarks. The most recent landmark designation by the Joint Committee in the FBWE Area was the granting of landmark status to the row of 19th century townhouses along the 2000 block of I Street N.W.



HEIGHT: The height of a building is the vertical distance from the street curb in front of the middle of the building to the main roof. The height does not include those little pillbox hats which house elevators and air conditioning equipment.

The permitted height of a structure is determined both by the width of the street at the front and by the zoning district the property is in. When the building faces more than one street, the developer can choose either one as the front. There are all sorts of variations and exceptions to the height requirements. Check both the height requirements for a particular District and the 1910 Height Act which is an appendix to the Zoning Regulations.

The 1910 Height Act supercedes all contrary orders, rules and regulations. It limits the height of buildings to the width of the



LOT NUMBER: Every property in the District is identified by a square and lot number. Originally, when a block or square was subdivided each lot was numbered serially (1, 2, 3, etc.). When a big lot is made into smaller lots, or two or more lots are made into one big one, the new lots are given new numbers. This sometimes causes confusion because the official zoning reference maps have lot numbers from 1966.

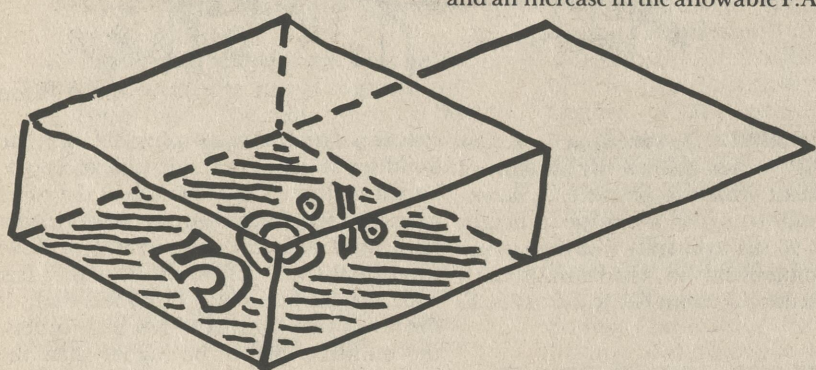


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Currently new numbers are in the 800's. If you can't find an 800 number on the map, go to the Recorder of Deeds' office and find out what old lots the new one was made of.

LOT OCCUPANCY: Lot occupancy is a measure of how much land a building covers at ground level. If a building covers all of its own lot, then the lot occupancy is 100%. If a building has a big back yard and only covers $\frac{1}{2}$'s of the property, then the lot occupancy is 75%.

Most commercial zones allow total coverage of the lot or a lot occupancy of 100% while residential zones require that space be left open for light and air circulation.



MUNICIPAL PLANNING OFFICE (MPO): This office is responsible for city planning in the District and is part of the Mayor's executive staff. A part of the staff deals with city-wide and neighborhood plans, while another part deals with technical zoning matters.

NATIONAL CAPITAL PLANNING COMMISSION (NCPC): This is a federal commission which makes policy decisions concerning the federal interest in the Washington metropolitan area. Its staff does planning in areas of the District where the U.S. government will be affected. This planning often overlaps and contradicts planning done by the Municipal Planning Office. Currently there is a gentlemen's agreement that MPO and NCPC will not get involved in areas already selected for study by the other.

PERMITTED USE: Each zoning district (R-5-B, C-4, SP, etc.) has certain uses which are permitted as a matter of right, others that are permitted with a **SPECIAL EXCEPTION**, and some uses that are expressly prohibited. Washington started out with just three types of zoning categories: **RESIDENTIAL**, which permitted different types of living accommodations; **COMMERCIAL**, which permitted retail, office, and residential uses; and **INDUSTRIAL**, which permitted storage, manufacturing, and commercial uses. Planning and zoning theory in the past decreed that uses should be strictly segregated into these three categories. However, more recently it has been discovered that some mixture of these three types can be a very healthy thing. This has led to the creation of "mixed-use districts" which have commercial, residential, and industrial uses all mixed together. If you want to see whether a particular use is permitted in your district check the table in Appendix B of the Zoning Regulations. Unfortunately this table doesn't include the newer mixed-use districts which have been mapped in the West End and the Georgetown Waterfront.

P.U.D.: The P.U.D. (Planned Unit Development) process is a variation of the **MORE** game. In exchange for increased height, density, etc., the developer provides public amenities and allows the Zoning Commission to review the site plan and the building design. The amenities are things like parks and street improvements paid for by the developer. Historically, the Zoning Commission has been very liberal on the developer's side of the balance without much benefit to the public. "Another" zoning game described above involves a PUD application as well as a zoning district change (from residential to commercial). Approval of the PUD application in this case would mean allowing an extra 40 feet in height (130 feet instead of 90 feet) and an increase in the allowable F.A.R. (7.0

instead of 6.5). The complete PUD process is found in Article 75 of the Zoning Regulations.

SECTIONAL DEVELOPMENT PLAN (SDP): A Sectional Development plan is a detailed plan for a neighborhood. Such a plan is prepared during a lengthy public planning process involving all elements of the community including residents, developers, businessmen, government agencies, etc. It includes a zoning plan as well as many other elements such as traffic, schools, parks, and housing. The Zoning Commission, to whom the plan is referred, can only implement the zoning portion of the SDP, which may mean the rest of the plan gathers dust on the shelf.

SPOT ZONING: In theory, all properties in the same situation (location, access, existing use, etc.) must be treated equally. If one person's land is zoned differently from his immediate neighbors for no apparent reasons then this is an illegal spot zoning. For example, if a townhouse in the middle of a block is zoned to allow a store while all the other townhouses can only be used for residential purposes, this would constitute spot zoning.

SQUARE NUMBER: All the blocks in the District are numbered sequentially. The square numbers are used to identify a particular location within the city. Usually both the square and lot number of a property are given at the same time.

Frequently two or more blocks will have the same square number. This is especially true where a diagonal avenue cuts through the rectangular street system.

SPECIAL EXCEPTION: Certain changes in use, density, and building location requirements of the Zoning Regulations may be granted after review by the BZA (Board of Zoning Adjustment). The exact kinds of changes permitted are spelled out in the Special Exceptions section of the regulations.

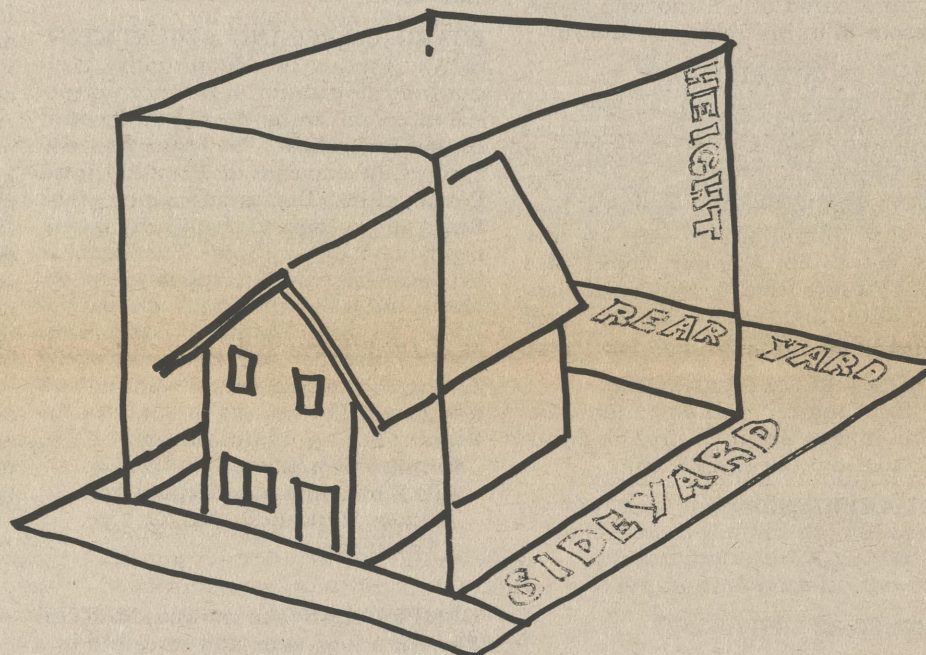
A typical Special Exception request might be to locate a school in a residential neighborhood. The BZA would approve such a request if it found the use to be in general harmony with the area. A Special Exception is considerably easier to get than a Variance.

ZONING COMMISSION: The Zoning Commission determines the Zoning Regulations and the Zoning map for the District of Columbia.

The Commission has five members. Three members are appointed by the Mayor and approved by the City Council. The other two members are a representative of the National Park Service and the Architect of the Capitol.

At the moment, the Commissioners are:
Walter B. Lewis
Ruby B. McZier, Chairperson
Richard L. Stanton, National Park Service
George M. White, Architect of the Capitol
Theodore Marianni

ZONING ENVELOPE: The Zoning Envelope is what's possible to build on a particular piece of property under current zoning. Just like a paper bag, sometimes it's too small, sometimes too large, for what's inside. The imaginary zoning envelope physically compares what exists to what's possible. For example:



To figure out zoning envelope: Select a parcel or district. Apply existing zoning regulations including height, side, and rear yard requirements, and set back from

the street to determine the size of the bag. Is it too small for what exists (non-conforming)? Too large (over-zoned)?

The Zoning Game Supplement is presented
as a public service by the Foggy Bottom and West End ANC.

This supplement and extra distribution are paid for
by the ANC: Ann Loikow, Marthlu Bledsoe, Hal Davitt,
J.R. Black and Jimmy Slicer (Commissioners).

SEEN AROUND THE BOTTOM

• FLASH, you won't believe it but one of Ruth Bacon's bananas finally ripened and I got a bite. It was good! It weighed in at a couple ounces; was 3 1/4" long x 1 1/4" across, a nice yellow, just the right firmness, with a good flavor. I wouldn't have believed it if I hadn't participated at its grand opening. Dorothy Bacon missed the excitement (she's vacationing in Florida). Ruth was sufficiently excited for both of them. There are about 10 more bananas on the tree which show promise of ripening. I take back all those nasty things I said about your tree, Ruth.

• The weather and streets as we all know have been terrible but I hope that we didn't miss the real beauty which surrounded us in our area during our January storms. The trees and shrubbery were breathtakingly beautiful, particularly down around the river.

• Guest Quarters kept their word. The FBA received \$100 from them as a donation resulting from friends and relatives staying at the GQ over the holiday season. Added bonus to us was that reports indicate everyone was delighted with their quarters—and the reduced holiday rate. Thanks Mike, we look forward to future promotions and to next Christmas.

• I called to talk to Father Wilbur of St. Mary's Episcopal Church only to find that he had been confined to his bed by his doctor for 30 days. Father's small staff is determined to make him follow Doctor's orders and to keep things going well while he is gone.

• Mike Dickens of Guest Quarters reports that their efforts toward planting some large trees on the south side of their building (to soften the large wall expanse) have been blocked—by several concrete vaults, a ton of

pipes, miles of electrical conduit, gas lines, etc.—all of which are jammed in the ground about 18" below the soil on that side of the building. We're not licked yet though; Mike is working on a couple more ideas; he will discuss them with us as they crystallize.

• A new service in our area (and a new advertizer)—the Columbia Plaza Pharmacy at 516 Twenty-third St. (in the Columbia Plaza complex). I recently had my first prescription filled at CP and was very pleased. I was taken back several years to find a nice, friendly, not too big, privately owned and operated pharmacy—a full service customer oriented pharmacy, with special emphasis on filling our pharmaceutical needs. Milt Williams and Dale Morton, both graduate pharmacists opened a pharmacy on Capital Hill in 1969; it did well so they opened another one in our area in November '76. We're glad they did; we needed this personal touch in the lower end of Foggy Bottom.

Milt who holds forth at the Columbia Plaza is a young 48, graduate of the University of Pittsburgh College of Pharmacy; Dale is 33, a native Washingtonian, and a graduate of Howard University's College of Pharmacy. Dale handles the Capital Hill store. The CP carries a full line of health and beauty aides, photo equipment and supplies, small gifts, cards, etc. A most important item: The CP offers FREE DELIVERY SERVICE FOR PRESCRIPTIONS.

You may take your prescription in, leave it and it will be delivered; or your Doctor can phone it in for delivery. Of course, you can wait while it is being filled. HOW WE HAVE NEEDED THIS DELIVERY SERVICE! When you are too sick to

get out of bed it doesn't matter if there are ten drugstores close-by, if they don't deliver they might just as well be in timbucktoo.

• At our January Foggy Bottom Meeting the members voiced their desire for a Directory of Miscellaneous Services in our area and by majority vote approved its development. Several members will work together to get it out; it is a major undertaking so be patient.

• A new art gallery has opened in our area. The Gallery Amerasia, at 2142 F Street (Tel. #331-0129). This new fine art gallery, with particular focus on Asian and American artists, also serves as a community cultural center where the public may participate in art classes, lectures, and demonstrations. The Gallery will present Filipino artist, Ace Lotuaco, in an exhibition of his acrylics and mixed media artwork from February 13 through March 10.

• A couple of our members dropped into the Golden Table Restaurant at the Columbia Plaza the other evening and found Ron Rich quietly sitting on a very important bit of news—for us and for him. The Golden Table has received one of the much coveted Certificate of Merit Awards for consistently high standards of sanitation sustained over a long period of time. The Golden Table is one of the few large table-cloth restaurants to receive this award, and I think the only one in our Foggy Bottom area.

Each year, out of the hundreds of possible awardees, only a limited few are given this Certificate of Merit by the DC Department of Environmental Services. While they aren't bragging about it, we know Ron and Seymour Rich are very proud of this coveted award and so are we; their personal attention to detail in their restaurant is much appreciated by their customers.

• St. Mary's Senior Adult Fellowship Club is coming along nicely. Ms. Diane Tucker has been employed as Site Coordinator and things are starting to hum. Many new programs are now being offered on a regular basis and ideas for others are welcome. A monthly program is being issued and posted around the area. The last two weeks in February cover, in addition to the Luncheon Program, discussions on Nutrition and Dental Health, Legal Counseling for the Elderly, Fire Safety and Safe Use of Over the Counter Drugs. Call Diane at 333-3985 for further details as to days and times.

Incidentally Diane Tucker has been getting some first rate assistance on this program from some of our area residents—to name a few: Edna Miller and Marian Wood from the Potomac Plaza, Agnes Casserly from the Hawthorne Hotel, and also from Marie Hinkle. All help, ideas and suggestions are greatly appreciated; this is what it takes to make this a successful program for our area residents. Mary E. Healy

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S & W Renovates

Preservation of townhouses in the Foggy Bottom—West End area has recently received another shot in the arm. The owners of 2157 Pennsylvania Avenue, N.W., which houses the S&W Pawnbrokers, have recently begun to completely renovate the upper floors of that building. They are putting in three apartments whose entrance will be located on the K Street side of the building. Residents of Foggy Bottom should applaud the efforts of another landowner in the area who realizes that it is economically viable and esthetically pleasing to retain and use the 19th century structures which make this area so attractive to live and work in.

Lenten Recitals

A series of Lenten Organ Recitals will be presented at Western Presbyterian Church, 2906 H Street, N.W. each Wednesday through April 6, at 12:15 p.m. The public is cordially invited.

The following well-known area organists will participate in this recital series: March 2—J. Richard Rancourt, Church of St. Stephen Martyr; March 9—Nancy Poore Tufts, formerly St. Timothy's Episcopal Church; March 16—Marian Ruhl Metson, formerly Associate Organist, Harvard University; March 23—Herman Berlinski, Washington Hebrew Congregation; March 30—Alvin Lunde, First Baptist Church; April 6—William F. Watkins, Georgetown Presbyterian Church.

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